IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 573 of 2005 (S/S)

Manorath Pandey
S/o late Sri Joga Dutt Pandey

……. Petitioners

Versus

1. State of Uttaranchal.
   through Secretary
   Forest Department,
   Govt. of Uttaranchal, Dehradun.
2. Divisional Forest Officer,
   Civil Soyam Van Prabhag, Almora.
3. Range Officer,
   Lamgada Range,
   Civil Soyam Van Prabhag, Almora,

…….. Respondents

Mr. K.S. Bora, learned counsel for the petitioner.
Mr. N.P. Sah, Standing Counsel for the State.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the parties.

Request for adjournment is rejected.

2) By means of this writ petition, the petitioner, who is a Plantation labourer on daily wages with the Forest Department, has sought his regularization is service.

3) In the counter affidavit, the respondents have alleged that the petitioner had not worked in any calendar year, for more than 240 days.

4) Apart from this, in view of the principle of law laid down in ***Secretary State of Karnataka Vs.***

Uma Devi, reported in (2006) 4 Supreme Court Cases Pg. 01, that daily wage workers and the persons employed without undergoing regular selection process under the rules, should not be permitted to be absorbed or regularized in the service, against the Constitutional Scheme of public employment, this Court is not inclined to issue direction to regularise services of the petitioner.

5) Therefore, the writ petition is dismissed. Interim order dated 13.05.2005, is hereby, vacated. (All pending applications in this Petition also stand disposed of).

(Prafulla C. Pant, J.)

Dt.: November 20, 2006
H.Negi